

House Bill 692

By: Representatives Wilkinson of the 52nd, Knox of the 24th, Maxwell of the 17th, and Meadows of the 5th

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services personnel, so as to provide for the establishment of a recognition program for schools and hospitals which provide training and certification in the use of automated external defibrillators by laypersons; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services personnel, is amended by revising Code Section 31-11-53.1, relating to the establishment of an automated external defibrillator program, as follows:

"31-11-53.1.

(a) As used in this Code section, the term:

(1) 'Automated external defibrillator' means a defibrillator which:

(A) Is capable of cardiac rhythm analysis;

(B) Will charge and be capable of being activated to deliver a countershock after electrically detecting the presence of certain cardiac dysrhythmias; and

(C) Is capable of continuous recording of the cardiac dysrhythmia at the scene with a mechanism for transfer and storage or for printing for review subsequent to use.

(2) 'Defibrillation' means to terminate ventricular fibrillation.

(3) 'First responder' means any person or agency who provides on-site care until the arrival of a duly licensed ambulance service. This shall include, but not be limited to, persons who routinely respond to calls for assistance through an affiliation with law enforcement agencies, fire suppression agencies, rescue agencies, and others.

(b) It is the intent of the General Assembly that an automated external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

(1) It is recommended that all persons who have access to or use an automated external defibrillator obtain appropriate training as set forth in the Rules and Regulations of the Department of Human Resources Chapter 290-5-30. It is further recommended that such training include at a minimum the successful completion of:

(A) A nationally recognized health care provider/professional rescuer level cardiopulmonary resuscitation course; and

(B) A department established or approved course which includes demonstrated proficiency in the use of an automated external defibrillator;

(2) All persons and agencies possessing and maintaining an automated external defibrillator shall notify the appropriate emergency medical services system of the existence and location of the automated external defibrillator prior to said defibrillator being placed in use;

(3) All persons who use an automated external defibrillator shall activate the emergency medical services system as soon as reasonably possible by calling 9-1-1 or the appropriate emergency telephone number upon use of the automated external defibrillator; and

(4) Within a reasonable period of time, all persons who use an automated external defibrillator shall make available a printed or electronically stored report to the licensed emergency medical services provider which transports the patient.

(c) All persons who provide instruction to others in the use of the automated external defibrillator shall have completed an instructor course established or approved by the department.

(c.1) The department shall establish a recognition program to acknowledge secondary schools which provide instruction and certification on the use of automated external defibrillators to its students as well as hospitals which provide community education and training to students and other laypersons on the use of automated external defibrillators. The department shall establish criteria for the designation of such schools and hospitals and shall make public the names of the entities which are so designated. The department shall assist in coordinating between schools, hospitals, nonprofit organizations promoting health initiatives, and other entities to establish new training and certification programs and to promote public awareness of resources available to provide such training and certification.

(d) The department shall establish an automated external defibrillator program for use by emergency medical technicians. Such program shall be subject to the direct supervision of a medical adviser approved under Code Section 31-11-50. No emergency medical technician shall be authorized to use an automated external defibrillator to defibrillate a person unless that defibrillator is a properly maintained automated external defibrillator and that emergency medical technician:

1 (1) Submits to and has approved by the department an application for such use, and in
2 considering that application the department may obtain and use the recommendation of
3 the local coordinating entity for the health district in which the applicant will use such
4 defibrillator;

5 (2) Successfully completes an automated external defibrillator training program
6 established or approved by the department;

7 (3) Is subject to protocols requiring that both the emergency physician who receives a
8 patient defibrillated by that emergency medical technician and the medical adviser for the
9 defibrillator program review the department required prehospital care report and any
10 other documentation of the defibrillation of any person by that emergency medical
11 technician and send a written report of such review to the district EMS medical director
12 of the health district in which the defibrillation occurred; and

13 (4) Obtains a passing score on an annual automated external defibrillator proficiency
14 exam given in connection with that program.

15 (e) It shall not be necessary for a licensed emergency medical service, licensed neonatal
16 transport service, or other services licensed by the department which provide care
17 administered by cardiac technicians or paramedics to obtain department approval for the
18 use of an automated external defibrillator on licensed vehicles.

19 (f) Any emergency medical technician who violates the provisions of this Code section
20 shall be subject to having revoked by the department that person's authority to use an
21 automated external defibrillator. Such a violation shall also be grounds for any entity
22 which issues a license or certificate authorizing such emergency medical technician to
23 perform emergency medical services to take disciplinary action against such person,
24 including but not limited to suspension or revocation of that license or certificate. Such a
25 violation shall also be grounds for the employer of such emergency medical technician to
26 impose any sanction available thereto, including but not limited to dismissal.

27 (g) Any first responder who gratuitously and in good faith renders emergency care or
28 treatment by the use of or provision of an automated external defibrillator, without
29 objection of the injured victim or victims thereof, shall not be held liable for any civil
30 damages as a result of such care or treatment or as a result of any act or failure to act in
31 providing or arranging further medical treatment where the person acts without gross
32 negligence or intent to harm or as an ordinary reasonably prudent person would have acted
33 under the same or similar circumstances, even if such individual does so without benefit
34 of the appropriate training. This provision includes paid persons who extend care or
35 treatment without expectation of remuneration from the patient or victim for receiving the
36 defibrillation care or treatment."

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- SECTION 2.**
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- All laws and parts of laws in conflict with this Act are repealed.